

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

SEVENTEENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 28, 2004

Senate Chamber

President Risch called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Andreason, Burkett, Cameron, Marley, Noh, Schroeder, and Stennett, absent and excused.

The President announced that the Oath of Office had previously been administered to Acting Senator Spindler, District 17.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Dian Walton, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Burkett, Cameron, Marley, and Stennett were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 27, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 28, 2004

The JUDICIARY AND RULES Committee reports that S 1231, S 1232, S 1233, S 1234, S 1235, S 1236, S 1237, S 1238, and SR 108 been correctly printed.

DARRINGTON, Chairman

S 1231 was referred to the Finance Committee

S 1232, S 1234, S 1235, and S 1237 were referred to the Judiciary and Rules Committee.

S 1236 was referred to the Commerce and Human Resources Committee.

S 1238 was referred to the State Affairs Committee.

SR 108 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 28, 2004

The FINANCE Committee reports out H 503, H 504, and S 1231 with the recommendation that they do pass.

CAMERON, Chairman

H 503, H 504, and S 1231 were filed for second reading.

January 27, 2004

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Dr. Gary O. Horton to the Idaho Sexual Offender Classification Board, term to expire January 1, 2010;

J. Philip Reberger to the Idaho Judicial Council, term to expire July 1, 2009

DARRINGTON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

January 27, 2004

Mr. President:

I transmit herewith H 514 which has passed the House.

JUKER, Chief Clerk

H 514 was filed for first reading.

The Senate advanced to the Tenth Order of Business.

### **Motions and Resolutions**

Senators Andreason, Noh, and Schroeder were recorded present at this order of business.

The President announced the Resources and Environment Committee report, having been held, relative to the Gubernatorial appointment of Cameron Wheeler was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, the Gubernatorial appointment of Cameron Wheeler as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 120** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, **SCR 120** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Jean McDevitt was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Noh, the Gubernatorial appointment of Jean McDevitt as a member of the Idaho Park and Recreation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

#### **S 1239 BY FINANCE COMMITTEE AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2003; AUTHORIZING TWO ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING A TRANSFER OF FUNDS; AND DECLARING AN EMERGENCY.

#### **S 1240 BY COMMERCE AND HUMAN RESOURCES COMMITTEE AN ACT**

RELATING TO REAL ESTATE BROKERS AND SALESPERSONS; AMENDING SECTION 54-2083, IDAHO CODE, TO DEFINE ADDITIONAL TERMS; AMENDING SECTION 54-2084, IDAHO CODE, TO DEFINE TYPES OF BROKERAGE RELATIONSHIPS; AMENDING SECTION 54-2085, IDAHO CODE, TO SPECIFY TERMS OF DISCLOSURE REQUIRED IN SPECIFIC BROKERAGE RELATIONSHIPS; AMENDING SECTION 54-2087, IDAHO CODE, TO ADOPT CONSISTENT TERMINOLOGY; AMENDING SECTION 54-2088, IDAHO CODE, TO SPECIFY TERMS OF EXPRESS WRITTEN CONSENT TO DUAL REPRESENTATION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-2090, IDAHO CODE, TO ADOPT CONSISTENT TERMINOLOGY.

#### **S 1241 BY COMMERCE AND HUMAN RESOURCES COMMITTEE AN ACT**

RELATING TO LICENSURE OF REAL ESTATE BROKERS AND SALESPERSONS; AMENDING SECTION 54-2018, IDAHO CODE, TO SPECIFY REQUIREMENTS FOR LICENSE RENEWAL; AMENDING SECTION 54-2023, IDAHO CODE, TO SPECIFY CONTINUING EDUCATION REQUIREMENTS; AMENDING SECTION 54-2026, IDAHO CODE, TO DEFINE ADDITIONAL GROUNDS FOR WITHDRAWAL OR CANCELLATION OF PROVIDER CERTIFICATION; AND AMENDING SECTION 54-2033, IDAHO CODE, TO DEFINE ADDITIONAL GROUNDS FOR WITHDRAWAL OR CANCELLATION OF INSTRUCTOR'S CERTIFICATION.

#### **S 1242 BY COMMERCE AND HUMAN RESOURCES COMMITTEE AN ACT**

RELATING TO REAL ESTATE BROKERS AND SALESPERSONS; AMENDING SECTION 54-2059, IDAHO CODE, TO GOVERN THE USE OF AMOUNTS COLLECTED FROM CIVIL PENALTIES.

**S 1239, S 1240, S 1241, and S 1242** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 514**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

### **Second Reading of Bills**

**S 1214**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1222 and S 1223**, by Local Government and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

The President called President Pro Tempore Geddes to the Chair.

**S 1213** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Spindler (Werk), Stegner, Stennett, Sweet, Williams. Total - 32.

NAYS--None.

Absent and excused--Brandt, Davis, Schroeder. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1213** passed, title was approved, and the bill ordered transmitted to the House.

**S 1216** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Spindler (Werk), Stegner, Stennett, Sweet, Williams. Total - 32.

NAYS--None.

Absent and excused--Brandt, Gannon, Noh. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1216** passed, title was approved, and the bill ordered transmitted to the House.

**S 1217** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Spindler (Werk), Stegner, Stennett, Sweet, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noh. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1217** passed, title was approved, and the bill ordered transmitted to the House.

**S 1218** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Spindler (Werk), Stegner, Stennett, Sweet, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noh. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1218** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11:15 a.m., Thursday, January 29, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary